



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2369

Introduced 2/16/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Adds members of a school board, the Chicago Board of Education, or the governing body of a private school as mandated reporters. Provides that within one year after the effective date of this amendatory Act or within one year after becoming a mandated reporter, whichever is later, a person mandated to report suspected child abuse or neglect must do one of the following: (1) attend an educational seminar, approved by the Department of Children and Family Services, concerning child abuse and neglect and the making of reports; or (2) sign an affidavit stating that the person understands his or her reporting responsibilities. Provides that any person who knowingly and willfully violates any mandated-reporter provision of the Act other than a second or subsequent violation of transmitting a false report is guilty of a Class 4 felony (instead of a Class A misdemeanor) for a first violation and a Class 3 (instead of Class 4) felony for a second or subsequent violation. Effective immediately.

LRB094 10422 DRJ 40692 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel, educational advocate assigned to a child pursuant to
17 the School Code, member of a school board or the Chicago Board
18 of Education or the governing body of a private school, truant
19 officers, social worker, social services administrator,
20 domestic violence program personnel, registered nurse,
21 licensed practical nurse, genetic counselor, respiratory care
22 practitioner, advanced practice nurse, home health aide,
23 director or staff assistant of a nursery school or a child day
24 care center, recreational program or facility personnel, law
25 enforcement officer, licensed professional counselor, licensed
26 clinical professional counselor, registered psychologist and
27 assistants working under the direct supervision of a
28 psychologist, psychiatrist, or field personnel of the Illinois
29 Department of Public Aid, Public Health, Human Services (acting
30 as successor to the Department of Mental Health and
31 Developmental Disabilities, Rehabilitation Services, or Public
32 Aid), Corrections, Human Rights, or Children and Family

1 Services, supervisor and administrator of general assistance
2 under the Illinois Public Aid Code, probation officer, or any
3 other foster parent, homemaker or child care worker having
4 reasonable cause to believe a child known to them in their
5 professional or official capacity may be an abused child or a
6 neglected child shall immediately report or cause a report to
7 be made to the Department.

8 Any member of the clergy having reasonable cause to believe
9 that a child known to that member of the clergy in his or her
10 professional capacity may be an abused child as defined in item
11 (c) of the definition of "abused child" in Section 3 of this
12 Act shall immediately report or cause a report to be made to
13 the Department.

14 Whenever such person is required to report under this Act
15 in his capacity as a member of the staff of a medical or other
16 public or private institution, school, facility or agency, or
17 as a member of the clergy, he shall make report immediately to
18 the Department in accordance with the provisions of this Act
19 and may also notify the person in charge of such institution,
20 school, facility or agency, or church, synagogue, temple,
21 mosque, or other religious institution, or his designated agent
22 that such report has been made. Under no circumstances shall
23 any person in charge of such institution, school, facility or
24 agency, or church, synagogue, temple, mosque, or other
25 religious institution, or his designated agent to whom such
26 notification has been made, exercise any control, restraint,
27 modification or other change in the report or the forwarding of
28 such report to the Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for failure
33 to report as required by this Act.

34 A member of the clergy may claim the privilege under
35 Section 8-803 of the Code of Civil Procedure.

36 In addition to the above persons required to report

1 suspected cases of abused or neglected children, any other
2 person may make a report if such person has reasonable cause to
3 believe a child may be an abused child or a neglected child.

4 Any person who enters into employment on and after July 1,
5 1986 and is mandated by virtue of that employment to report
6 under this Act, shall sign a statement on a form prescribed by
7 the Department, to the effect that the employee has knowledge
8 and understanding of the reporting requirements of this Act.
9 The statement shall be signed prior to commencement of the
10 employment. The signed statement shall be retained by the
11 employer. The cost of printing, distribution, and filing of the
12 statement shall be borne by the employer.

13 Within one year after the effective date of this amendatory
14 Act of the 94th General Assembly or within one year after
15 becoming a mandated reporter, whichever is later, a person
16 mandated to report suspected abuse or neglect under this
17 Section must do one of the following:

18 (1) attend an educational seminar, approved by the
19 Department, concerning child abuse and neglect and the
20 making of reports under this Section; or

21 (2) sign an affidavit stating that the person
22 understands his or her responsibilities under this
23 Section.

24 The Department shall provide copies of this Act, upon
25 request, to all employers employing persons who shall be
26 required under the provisions of this Section to report under
27 this Act.

28 Any person who knowingly transmits a false report to the
29 Department commits the offense of disorderly conduct under
30 subsection (a)(7) of Section 26-1 of the "Criminal Code of
31 1961". Any person who violates this provision a second or
32 subsequent time shall be guilty of a Class 3 felony.

33 Any person who knowingly and willfully violates any
34 provision of this Section other than a second or subsequent
35 violation of transmitting a false report as described in the
36 preceding paragraph, is guilty of a Class 4 felony ~~Class A~~

1 ~~misdemeanor~~ for a first violation and a Class 3 ~~4~~ felony for a
2 second or subsequent violation. ~~If, except that if~~ the person
3 acted as part of a plan or scheme having as its object the
4 prevention of discovery of an abused or neglected child by
5 lawful authorities for the purpose of protecting or insulating
6 any person or entity from arrest or prosecution, the person is
7 guilty of a Class 4 felony for a first offense and a Class 3
8 felony for a second or subsequent offense (regardless of
9 whether the second or subsequent offense involves any of the
10 same facts or persons as the first or other prior offense).

11 A child whose parent, guardian or custodian in good faith
12 selects and depends upon spiritual means through prayer alone
13 for the treatment or cure of disease or remedial care may be
14 considered neglected or abused, but not for the sole reason
15 that his parent, guardian or custodian accepts and practices
16 such beliefs.

17 A child shall not be considered neglected or abused solely
18 because the child is not attending school in accordance with
19 the requirements of Article 26 of the School Code, as amended.

20 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
21 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
22 8-5-03; 93-1041, eff. 9-29-04.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.